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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 27 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policies and Rules Implementing)
the Telephone Disclosure and)
Dispute Resolution Act)

CC Docket No. 93-22

PETITION FOR A TEMPORARY LIMITED WAIVER

Sprint Communications Company L.P. hereby requests a temporary limited waiver of Sections 64.1509(b)(2) and 64.1510(a)(2)(i) and (ii) of the Commission's rules to permit it to have additional time to implement such rules. In support thereof, Sprint states as follows:

On August 13, 1993, the Commission released a Report and Order (FCC 93-349) in which it adopted new regulations governing the provision of interstate pay-per-call services to meet the requirements of the Telephone Disclosure and Dispute Resolution Act (TDDRA).¹ Certain of these new regulations impose notification and billing format requirements on "[a]ny common carrier assigning a telephone number to a provider of interstate pay-per-call services and offering billing and collection services to such provider" (Sections 64.1509(b) and 64.1510(a)). In particular, Section 64.1509(b)(2), which becomes effective

¹Public Law 102-556, 106 Stat. 4181, approved October 28, 1992.

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November 23, 1993, requires such carriers to provide a disclosure statement "setting forth all rights and obligations of the subscriber and the carrier with respect to the use and payment of pay-per-call services." Sections 1510(a)(2)(i) and (ii), which become effective November 1, 1993, specify specific information and formatting requirements for pay-per-call bills.

Sprint does not generally provide billing and collection services with its 900 transport service. However, Sprint does provide such billing and collection services to a limited number of customers which do not provide information services as their primary business. Sprint relies exclusively on the local exchange carriers to perform billing and collection for such customers.

Sprint has contacted the local exchange carriers (which function as its billing agents) to determine their progress in implementing these new regulations. Sprint has requested the local exchange carriers provide the disclosure statement required by Section 64.1509(b) and to comply with the information and format requirements of Section 64.1510(a).

There has been some confusion in the industry as to the requirements of Section 1509(b) which states that the common carrier must provide notification "to all its telephone subscribers." Pay-per-call services do not lend themselves to a clear identification of the "subscriber" until such time as the "subscriber" places a 900 call. It is Sprint's interpretation that all customers must receive this notice, on an annual basis, to ensure that all potential 900 "subscribers" are informed.

Based on this interpretation, the local exchange carriers are in the best position to ensure that all customers receive proper notification and that the requirements of Section 1509(b) are met. Alternatively, interexchange carriers ("ICXs") could distribute the notification to their presubscribed customers. However, it would be difficult to verify that all customers had been notified by all carriers. Therefore, Sprint is urging the local exchange carriers to prepare and distribute the appropriate disclosure statement to their customers.

The proposed regulations in Section 64.1510 require the local exchange companies to undertake significant modifications to their billing systems. Some of the local exchange carriers are unable to comply within the required timeframe.² With respect to the bill presentation by the local exchange companies, Sprint is in the same situation as the other IXC's who contract with the local exchange companies for billing and collection. When the appropriate modifications have been made by the local exchange carriers to their billing systems, the required bill presentation will be available to all IXC's. Therefore, consistent with AT&T's Petition for Limited Interim Waiver on an Expedited Basis, Sprint is seeking a temporary waiver for eight

²See, GTE's Comments In Support of AT&T, filed October 22, 1993 and Cincinnati Bell's Petition for Temporary Limited Waiver in CC Docket No. 93-22, filed October 20, 1993 which discuss the difficulties encountered in implementing the Commission's rules within the required timeframe.

months to afford the local exchange carriers additional time to implement the necessary billing system changes.³

The Commission may grant a waiver of a general rule where the particular circumstances of an individual case warrant a deviation from such rule and where a waiver will not undermine "the validity of the general rule."⁴ Such is the case here. A temporary waiver is requested because of the difficulties being encountered in complying with the new rules. The waiver will apply only for a subset of local exchange carriers that are not capable of meeting the requirements within the short period established by the Commission.

Grant of this interim waiver petition will not undermine the Commission's regulations. According to feedback received by Sprint, disclosure statements will have been distributed by most of the large local exchange companies by November 23, 1993.⁵ Other requirements adopted by Commission which protect consumers will have been implemented in a timely manner. Further, grant of the waiver is in the public interest in that the information services providers for which Sprint provides billing and

³Sprint believes this to be the maximum amount of time that will be required and that most carriers will be in compliance within a much shorter amount of time.


⁴Wait Radio v. FCC, 418 F.2d 1153, 1158 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

⁵The process is not as far along for many of the smaller carriers, and additional time will be needed to distribute the notification to their customers.

collection services will be able to continue to provide service on an uninterrupted basis.

For the reasons set forth herein, Sprint respectfully requests the Commission grant its petition for a temporary limited waiver of the pay-per-call rules.

Respectfully submitted,
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October 27, 1993

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Petition For A Temporary Limited Waiver" of Sprint Communications Company L.P. was sent via first-class mail, postage-prepaid, on this the 27th day of October, 1993, to the below-listed parties:

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